

September 12th, 2007  
Commission's Secretary  
Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554  
Deena Shetler: deena.shetler@fcc.gov  
FCC Contractor: fcc@bcpiweb.com  
Re: WC Docket No. 06-210  
CCB/CPD 96-20

**Motion for FCC to Announce Whether or Not  
it Will Address Shortfall/and or Discrimination Claims**

Dear Deena

The Jan 12<sup>th</sup> 2007 FCC Order was issued prior to:

- 1) Substantial evidence showing AT&T asserting to the District Court in 2005 and 2006 and the FCC in 1996 and 2003 that the shortfall issues and discriminations issues were "ripe" to be resolved by the FCC.
- 2) Petitioners requested that the District Court allow petitioners to submit a brief that would either modify Judge Basslers order to make it explicit that the referral statement: "as well as any other issues" encompassed shortfall and discrimination issues. Judge Wigenton issued an order that stated that she would not allow petitioners to even brief the subjects.
- 3) The IRS issued a primary jurisdiction referral on April 3rd 2007 covering all shortfall issues.

Petitioners are reinstating this Motion for the FCC to Issue an Order as to whether these shortfall and/or discrimination issues will be resolved by the FCC. The reason why the reconsideration request was dropped by petitioners was due to AT&T's argument to the District Court that the District Court should not get involved because the issue was already before the FCC.

Tips Marketing Services, Corp has requested Declaratory Ruling in Jan 2007 and there has been no Public Notice issued to date. The FCC's General Counsel Mr Schlick has stated that it was not necessary to obtain a Court Referral for a Declaratory Ruling as a petitioner can define and frame the issues. Petitioners respectfully request that the FCC issue an order stating whether or not it intends at this point to adjudicate the shortfall and/or discrimination issues.

Petitioners fully understand that the FCC is under staffed and it will only do what is absolutely required of it. It is apparent that due to the FCC's work load the FCC no longer issues Declaratory Rulings unless the referral comes from a Court. If this is the current FCC policy petitioners respectfully ask the FCC to issue an order stating that it will not address:

A) Petitioners 9/27/06 requests      B) Tips 1/8/07 requests      C) The IRS 4/3/07 requests.

If this is really the current FCC policy, Petitioners and Tips would like the FCC to put this in writing to document this for petitioner's writ of mandamus to the DC Circuit to obtain the referral order that the FCC seems to require.

Petitioners are very upset that it needs to do this as these shortfall issues are now before the Commission since 1996 when --as indicated in the 2003 FCC Decision ---- the Commission invited both parties to address the 1996 shortfall infliction.

Petitioners understand the FCC has limited resources but these shortfall issues are now outstanding for a time period that the DC Circuit will find ridiculous. The shortfall and discriminations issues are already briefed. The Internal Revenue Service is giving Tips a limited time period and therefore Tips needs to get the to shortfall issues resolved ASAP. Additionally there are aggregators ( 800 Services, Inc---CCI ---The Furst Group etc ) that are anxious to have these shortfall and discrimination issues resolved because AT&T utilized its shortfall and termination charges as offsets against legal claims against AT&T or illegally applied such charges.

Respectfully Submitted  
One Stop Financial, Inc  
Winback & Conserve Program, Inc.  
Group Discounts, Inc.  
800 Discounts, Inc

&  
Tips Marketing Services, Corp

/s/ Al Inga  
Al Inga President